

TOWN WARRANT
Annual Town Meeting
April 25, 1994

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the Annual Town Meeting to be held in the Auditorium of the Amherst Regional Junior High School in said Amherst at seven thirty o'clock p.m. on Monday, the twenty-fifth day of April, nineteen hundred and ninety-four when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Committees (Select Board)

To see if the Town will hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Keg Bylaw Amendment (Select Board)

To see if the Town will amend the Keg Bylaw, Article 2 of the General Regulations, by deleting the language in brackets and adding the shaded language as follows:

SECTION 1. PURPOSE

To protect the health, safety and welfare of its inhabitants, this by-law shall permit the Town of Amherst to regulate the possession of kegs containing malt beverages[, and] or the dispensing of malt beverages from kegs.

SECTION 2. DEFINITIONS

10. Keg License: a special license issued by the Board of Selectmen of the Town of Amherst to permit the possession of malt beverage in a keg[, and] or the dispensing of malt beverages from kegs, with the Town of Amherst.

SECTION 3. REQUIREMENT OF LICENSE FOR KEG POSSESSION

1. The Board of Selectmen of the Town of Amherst is authorized to issue keg licenses for the possession [and] of or dispensing of malt beverages in kegs within the Town of Amherst. The terms and conditions and fees for licenses granted under this section shall be determined by the Board of Selectmen, as the licensing authority pursuant to this by-law.

2. A keg license shall be required for the possession of a keg containing a malt beverage[, and] or for the dispensing of a malt beverage from a keg, at any place other than a licensed establishment of a licensed activity.

ARTICLE 3. Town Bylaws - Amendment to Dog Regulations (Select Board)

To see if the Town will amend Article II (General Regulations, Conduct of Persons in Control of Animals) of the Town Bylaws by changing the penalty under Section 3, Subsection e imposed upon owners or keepers of dogs failing to renew licenses from \$5.00 to \$15.00.

ARTICLE 4. Rail Trail Extension (Select Board)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act to allow the proposed Amherst-to-Belchertown extension of the Norwottuck Rail Trail to be constructed notwithstanding the provisions of the Code of Massachusetts Regulations or any general or special law.

ARTICLE 5. Town Bylaw - Residential Parking (Select Board)

To see if the Town will enact a bylaw under which:

1. Certain streets or portions of streets may be designated as restricted parking areas in which parking shall be restricted to residents by permit issued by the Select Board.
2. The Select Board shall be authorized to establish criteria and procedures to implement this

bylaw.

ARTICLE 6. Park Street Discontinuance
(By Petition of Robert Joy - Nephew of Ralph Cooley)

"To see if the Town will discontinue Park Street, a public way, running from Baker Street to Snell Street and located on Town Cadastre on Page 13-D and further to appropriate a certain sum to reimburse Mr. Ralph Cooley for legal expenses incurred as part of this petition."

ARTICLE 7. Regional Landfill (By Petition of Citizens Against a Regional Dump)

"The Town of Amherst shall not expend or commit funds either through borrowing or direct appropriation; for the purpose of siting, land acquisition, or construction of a New Regional Landfill* (* By definition, a Landfill used by Towns other than Amherst) or permit such a New Facility to exist or operate within Amherst."

ARTICLE 8. Zoning Map Amendment - Rezoning of Portions of 159 and 177 North Pleasant Street and a Portion of West Cemetery
(Planning Board)

To see if the Town will amend the Official Zoning Map by rezoning the rear portions of Parcels 281 and 285, Map 11C from the General Residence (R-G) District to the General Business (B-G) District and the westerly portion of Parcel 279, Map 11C from the General Business (B-G) District to the General Residence (R-G) District.

ARTICLE 9. Zoning Bylaw Amendment - Section 3.3, Use Classifications and Standards
(Planning Board)

To see if the Town will amend Section 3.3 of the Zoning Bylaw by deleting the language in brackets and adding the language underlined and shaded, as shown in "Appendix to Article 9" attached as part of this warrant with respect to the following sections:

3.340.1; 3.341.0; 3.341.1; 3.359; 3.360; 3.361; 3.372.1; 3.372.2; 3.372.3

ARTICLE 10. Zoning Bylaw Amendment - Section 3.324 (By Petition of Vince O'Connor)

"To see if the Town will vote to amend Section 3.324, Converted Dwellings, by deleting the language in brackets and adding the shaded language, as follows:

RO

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
SP ⁵	SP ⁵	SP ⁵	SP ⁵	N	SPR	SP ⁵	SP ⁵	N	N	N	N	N
(N)	(N)											

Standards
&
Conditions

5. Other provisions of this section notwithstanding, the conversion of an existing dwelling from one to two units shall be by right where such conversion meets all requirements for parking and dimensions for two units, as well as all other Standards and Conditions of this Section.
- [The proposed c]Conversions other than those from one to two units shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The lot, of such other conversions, if in a residence district, shall fall within one of the following areas: a) close to heavily travelled streets; b) close to business, commercial & educational districts; c) already developed for multi-family use.
7. In addition to conversions permitted by right under Condition 5., [T]he Zoning Board of Appeals may, one time only for any individual parcel, modify the dimensional requirements of Table 3 to[, one time only for any parcel,] allow a conversion under Section 3.324 that would add one additional unit[only], if it finds that the modification would be in accordance with the provisions of Section 9.23.

9. A management plan, as defined in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application, including building permit applications for conversions by right. Management plans submitted for conversions by right shall be reviewed and approved by the Building Commissioner.

10. A landscape plan appropriate for the project shall be included in the application. The landscape plan accompanying applications for building permits for conversions by right shall provide for the screening of any additional parking areas from abutting residences, and shall be reviewed and approved by the Building Commissioner, who shall use the relevant criteria established in Section 11.24."

ARTICLE 11. Zoning Bylaw Amendment - Farmland Planned Unit Residential Developments
(By Petition of Cushman Village Association)

"To see if the Town will vote to amend the Zoning Bylaw to allow for Farmland Planned Unit Residential Developments by adding the following language:

Section 3.28 Farmland Preservation District

3.283 Residential Development

3.2830 Residential Development may be accomplished either by subdivisions requiring approval under M.G.L., Ch 41 and Sections 3.2831, et seq. of this bylaw or Farmland Planned Unit Residential Developments as authorized by Section 4.5 of this bylaw. (Renumber sections thru 3.2834.)

Section 4.0 Overview

Change all references from "three" development methods to "four," add Farmland Planned Unit Residential Development to the list of development methods, and add to Table 2 - Development Methods the following:

Bylaw Number	Method	R-LD	R-O	R-N	R-VC	R-G	R-F
4.5	Farmland Planned Residential Development	SP	SP**	SP**	N	N	N

** Applies to areas in the R-O and R-N Districts specified in Section 4.51.

Section 4.5 Farmland Planned Unit Residential Development

4.50 General Description

A Farmland Planned Unit Residential Development shall mean a mixed use development on a plot of land containig a minimum of four acres in which a mixture of residential, farming, gardening, open space, and other such uses, and a variety of building types, as may be permitted hereunder which are determined to be sufficiently advantageous to render it appropriate to grant a special permit under conditions specified in this bylaw.

4.51 Purpose

It is intended that a Farmland Planned Unit Residential Development be available as a means of residential development in the FP and ARP areas of the R-LD District and contiguous land in the RN and RO Districts in common ownership or part of a single parcel for the purposes set forth in Section 3.282.

4.52 Use and Dimensional Standards

4.520 In a Farmland PURD the following uses shall be permitted: one and two-unit dwellings, townhouses, and multi-unit dwellings; childcare facilities; bed and breakfasts; home offices, studios, and occupations including those located in buildings in the joint or common ownership of a homeowners association; and farm conference centers.

4.521 Density and Intensity of Land Use

4.5210 In a Farmland PURD the requirements relating to the density and intensity of land use shall be as they are stated in Sections 4.4212, 4.4214, 4.4215 - 4.4217, 4.4219. Separate lots for one unit dwellings and duplexes shall be permitted.

- 4.5211 The maximum percentage of dwelling units of any one type shall not exceed 75%, except for single-unit dwellings which shall not exceed 25%. In developments of ten units or less there shall be no restriction on the number of duplexes. The maximum number of units of any bedroom size, including unfinished space easily convertible to such use, shall be 60%.
- 4.5212 Affordable units meeting the requirements of Sections 4.333 - 4.336 of this bylaw may be authorized by the Board of Appeals for limited equity cooperatives or owner applicants. The minimum number of such units required shall be 10%, and the increase in the number of units shall not exceed 120% of that allowed by Section 4.5213.
- 4.5213 It is the intention of this Section that a Farmland PURD not result in more residential units than the number of lots that would be approved for a standard subdivision under a Definitive Subdivision Plan for the same parcel, except when affordable units are approved by the Board of Appeals.
- 4.53 Farmland PURD Development Standards.** The Farmland PURD Development Standards shall be as stated in Sections 3.2850 - 3.2851, 3.2853 - 3.2859.
- 4.54 Common Land Standards.** After subtracting Wetlands and land within at least 50 feet of wetlands or "no-work" areas as defined by the Conservation Commission whichever is greater, land in the FPC District, and common land set aside for recreational purposes, at least 60% of the remaining land shall be set aside as common land.
- 4.55 Common Land Ownership.** Open space or common land shall be assured and maintained in accordance with procedures prescribed in Sections 4.345 and 4.35
- 4.56 Review and Approval Process.** Shall be as required in Section 4.44.
- 4.57 Flood Prone-Conservancy and Wetlands.** Each application for a PURD containing land zoned Flood Prone-Conservancy or containing Wetlands as defined by M.G.L. Chapter --- shall be accompanied by an additional set of plans. Within ten days after the receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Conservation Commission, which said Commission may, in its discretion, investigate the proposed development and report in writing its recommendations to the Board of Appeals.
- 4.58 Planning Board and Conservation Commission Review.** The Board of Appeals shall not take final action on an application for a Special Permit hereunder until it has received a report thereon from both the Planning Board and Conservation Commission, or until said Planning Board and Conservation Commission have allowed 35 days to elapse after receipt of such plan without submission of a report."

ARTICLE 12. Zoning Map Amendment - Parcel 59, Map 5B
(By Petition of Cushman Village Association)

"To see if the Town will vote to amend the Official Zoning Map by zoning Parcel 59, Map 5B Farmland Protection (FP)."

ARTICLE 13. Transfer of Funds - Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 14. Transfer of Funds - Departmental Budgets (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 33B, transfer certain amounts of Departmental and Special Appropriations for other uses.

ARTICLE 15. Authorization for Temporary Borrowing (Select Board)

To see if the Town will authorize the Town Treasurer to borrow money from time to time in anticipation of the revenue for the fiscal year beginning July 1, 1994, in accordance with the provisions of the General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with General Laws, Chapter 44, Section 17.

ARTICLE 16. Optional Tax Exemptions (M.G.L. Ch. 59, Sec. 17D, 22, 37A, and 41C)
(Select Board)

To see if the Town will authorize the Board of Assessors to reduce the taxes of certain qualifying taxpayers through means of exemptions for elderly, veterans, blind, and surviving spouses.

ARTICLE 17. Chapter 90 - Road Maintenance (Select Board)

To see if the Town will appropriate such amount as the State may provide for the construction or repair of certain roads in Town, authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or borrow in anticipation of reimbursement for said grants.

ARTICLE 18. Retirement Assessment (Select Board)

To see if the Town will raise and appropriate \$1,231,135 for the Hampshire County Retirement System Assessment.

ARTICLE 19. Early Retirement - Amherst School Teachers (School Committee)

1. To see if the Town will accept the provisions of the Massachusetts Early Retirement Incentive Program for public school employees belonging to the Massachusetts Teachers' Retirement System as set forth in Section 83 of Chapter 71 of the Acts of 1993, as amended.
2. To see if the Town wishes to establish a numerical cap for employee participation in the Massachusetts Early Retirement Incentive Program should such participation be approved by the appropriate local authorities (School Committee, Select Board, Town Meeting.)

ARTICLE 20. FY 95 Operating Budget (Finance Committee)

To see if the Town will adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

ARTICLE 21. Special Services - Amherst Community Television (Select Board)

To see if the Town will raise and appropriate \$3,265 for Amherst Community Television.

ARTICLE 22. Special Services - Transportation Subsidies (Select Board)

To see if the Town will endorse no-fare public transit service to the Echo Hill, Cushman, and Orchard Valley areas of the Town and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

ARTICLE 23. Special Services - Elderly and Handicapped Transportation
(Select Board)

To see if the Town will accept grants from the Pioneer Valley Transit Authority for the operation of fare-free transportation services for people who are elderly and people who have disabilities and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of said service.

ARTICLE 24. Special Services - Congregate Housing (Select Board)

To see if the Town will raise and appropriate \$55,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs.

ARTICLE 25. Special Services - Human Services Agencies (Select Board)

To see if the Town will raise and appropriate \$109,158 for the following Human Services Agencies:

Amherst Survival Center.....	\$20,198
Center for Human Development - Helen Mitchell Family Outreach Project.....	\$12,000
Center for Human Development - Not Bread Alone.....	\$ 5,000
Children's Aid and Family Services	\$ 5,000
Commuter Resources - Homesharing	\$ 1,200
Everywoman's Center.....	\$ 2,500
First Call for Help	\$ 7,000
Hampshire County VNA Senior Health Services	\$ 6,000
Hampshire Community Action Commission - Amherst Family Center ...	\$ 2,000
Necessities/Necesidades.....	\$ 5,000
Northampton Visiting Nurses Association.....	\$ 4,000
Salvation Army	\$ 1,000
Amherst Resource Center-Companion Program.....	\$14,300
Amherst Resource Center-Counseling Program	\$ 8,000
YWCA	\$ 3,000
After School Tuition Program.....	\$12,960

ARTICLE 26. Special Services - Economic Development (Select Board)

To see if the Town will raise and appropriate \$12,500 for consulting services and expenses related to economic development activities.

ARTICLE 27. Capital Program - Agricultural Preservation Restrictions
(Conservation Commission)

To see if the Town will appropriate \$16,200 to assist the Department of Food and Agriculture, Commonwealth of Massachusetts, with the purchase of Agricultural Preservation Restrictions on farms in Amherst and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise.

ARTICLE 28. Capital Program - Equipment (Select Board)

To see if the Town will appropriate \$515,900 to purchase, repair, and/or install the following items of equipment and be authorized to turn in corresponding items of equipment as part payment and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants:

Library Public Computer Catalogs.....	\$22,000
Handicapped Accessible Van	\$30,000
Photocopy Machine.....	\$15,000
Postage Meter	\$13,000
Computer Hardware/Software (First Phase Conversion).....	\$75,000
Police Cruisers (3).....	\$54,000
Semi-Automatic Hand Guns	\$15,500
Lease Purchase/Police Communication Equipment (2nd Year)	\$27,500
Sander Body	\$14,000
Dump Truck	\$55,000
School Bus	\$45,000
Special Education Van	\$21,000
15 Foot Riding Mower	\$54,000
Police Magnetic Tape	\$ 6,900
Automatic Parking Lot Ticket Dispenser	\$20,000
Replacement of Compactor Cleats	\$13,000
Water Instrumentation.....	\$20,000
Water Department Van	\$15,000

ARTICLE 29. Capital Equipment - Fire Pumper (Select Board)

To see if the Town will raise and appropriate \$200,000 for the purchase of one fire pumper and be authorized to turn in corresponding items of equipment as part payment and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 30. Capital Program - Buildings and Facilities (Select Board)

To see if the Town will appropriate \$322,000 to repair and/or install the following items and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants:

Garage Air Exhaust System.....	\$15,000
Waterproof Foundation Walls at Munson Library	\$10,000
Roof Repairs at North Amherst School.....	\$10,000
ADA Modifications	\$70,000
Sandblasting and Painting Two Clarifiers	\$12,000
Roof Repair - Chlorine Building at the Wastewater Treatment Plant	\$30,000
Implementation of a Dechlorination System at the Wastewater Treatment Plant.....	\$30,000
Dredging and Evaluatin of Hawley Intake Reservoir	\$40,000
Continued Engineering at Well #6	\$75,000
Construction of a Storage Shed for Water Equipment	\$30,000

ARTICLE 31. Capital Program - Regional High School (Regional School Building Committee)

To see if the Town will approve the amount of the \$23,100,000 debt authorized on April 12, 1994 by the Amherst-Pelham Regional School District School Committee for the purpose of financing costs of adding to, reconstructing and equipping the District Regional High School, including costs incidental and related thereto; provided that not more than \$1,400,000 for the preparation of plans and specifications and related preliminary expenses, shall be borrowed or expended until the project has been approved by the State Board of Education for a school construction grant of at least 65 percent of approved project costs.

ARTICLE 32. Town Hall Renovation (Select Board)

To see if the Town will appropriate \$2,500,000 for the renovation of Town Hall and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

ARTICLE 33. Stabilization Fund (Select Board)

To see if the Town will raise and appropriate \$149,760 to the Stabilization Fund.

ARTICLE 34. Free Cash (Select Board)

To see if the Town will appropriate and transfer a sum of money from Free Cash in the undesignated fund balance of the General Fund to reduce the tax levy of the 1995 Fiscal Year.

ARTICLE 35. Capital Program - Solid Waste Fund (Select Board)

To see if the Town will appropriate \$500,000 for the purchase of a methane collection system and to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.

You are hereby directed to serve this call by posting attested copies therefore at the usual places:

Precinct 1	North Amherst Post Office	Precinct 6	Fort River School
Precinct 2	North Fire Station	Precinct 7	Crocker Farm School
Precinct 3	Marks Meadow School	Precinct 8	Munson Library
Precinct 4	Amherst Post Office	Precinct 9	Wildwood School
Precinct 5	Bangs Community Center	Precinct 10	Campus Center/UMass

Hereof fail not and make return of this warrant with your doings thereon time and place of said meeting.

Given under our hands this 11th day of April, 1994.

Bryan C. Harvey
Carolyn Holstein
Brenna Y. Kucinski
David T. Keenan
Hill Boss
Board of Selectmen

Hampshire, ss. April 12, 1994

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the following designated places, to wit:

Robert J. O'Connor
Constable